

Notice of Allowability

Application No.

10/717,533

Examiner

Jermele M. Hollington

Applicant(s)

LEE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on March 7, 2005.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 20 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Jermele Hollington

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification, on page 1, paragraph [0001], between "10/270,326," and "filed" adding the phrase --now U.S. Patent No. 6,847,224,--.

Allowable Subject Matter

2. Claims 1-21 are allowed over the prior art.
3. The following is an examiner's statement of reasons for allowance: regarding claim 1, the primary reason for the allowance of the claim is due to the amendment that includes an electrical device having an effective wedge depression of no more than 200 mils between a pair of teeth and a probe that is adapted to extend between said pair of teeth. Since claims 2-7 depend from claim 1, they also have allowable subject matter.

Regarding claim 8, the primary reason for the allowance of the claim is due to the amendment that includes an electrical device having an effective wedge depression of no more than 200 mils between a pair of teeth and means for supporting a probe having sensing end portions of the probe core in a relationship between and at least partially above opposed surfaces of the pair of teeth. Since claims 9-14 depend from claim 8, they also have allowable subject matter.

Regarding claim 15, the primary reason for the allowance of the claims is due to the specific limitation of a probe carriage, in combination with other limitations in the claim, having at least one probe location adjustment screw for adjusting the location of a probe to an electrical device. Since claims 16-18 depend from claim 15, they are also allowed.

Regarding claim 19, the primary reason for the allowance of the claim is due to the amendment that includes an electrical device having an effective wedge depression of no more than 200 mils between a pair of teeth and a probe carriage supporting a probe having sensing end portions of the probe core in a relationship between and at least partially above opposed surfaces of the pair of teeth. Since claims 20-21 depend from claim 19, they also have allowable subject matter.

The closes prior arts to the claimed invention are Bourgeois et al (5990688) and Lee et al (6847224). However, they do not disclose the above limitations since Bourgeois et al position the probe in front of the pair of teeth and not in between as claimed and the claimed invention is a continuation in part to the Lee et al reference.

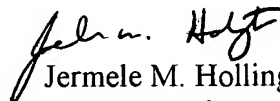
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermele M. Hollington whose telephone number is (571) 272-1960. The examiner can normally be reached on M-F (9:00-4:30 EST) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (517) 272-2034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jermele M. Hollington
Patent Examiner
Art Unit 2829

JMH
March 29, 2005